

## REMARKS

Claims 26-41, 44-56, 58-61, and 63-81 remain pending in the instant application. Claims 26-81 presently stand rejected. Claims 26, 31, 36, 41, 50, 52, 53, 55, 56, 58, 60, 63, 64, 70 and 76 are amended and claims 42, 43, 57, and 62 are canceled herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Specification*

The Examiner is thanked for bringing to Applicant's attention the typographical error at page 18. Accordingly, Applicant has corrected the specification to cure this minor informality.

### *Claim Rejections – 35 U.S.C. § 101*

The Office Action rejected claims 31-35 and 70-75 under 35 U.S.C. §101 as being directed to non-statutory subject matter because of the phrase “machine readable medium” and “machine readable instructions”. Accordingly, Applicant has amended these claims to recite, in part, “computer readable medium” and “computer readable instructions”, respectively. Thus, Applicant respectfully requests that the 35 U.S.C. 101 rejection of claims 31-35 and 70-75 be withdrawn.

### *Claim Rejections – 35 U.S.C. § 112, 1<sup>st</sup> paragraph*

#### **Claims 31-35 and 70-75**

The Office Action also rejected claims 31-35 and 70-75 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement because of the recitation of the term “machine”. As stated above, Applicant has amended claims 31 and 70 to recite, in part, “computer readable medium”, “computer readable instructions”, and “...causing a computer to...” Thus, Applicant respectfully requests that the 35 U.S.C. §112 rejection of claims 31-35 and 70-75 be withdrawn.

#### **Claims 26-81**

The Office Action also rejected claims 26-81 under §112, first paragraph, stating, “remapping of the mouse from cursor control to parameter control is critical or essential

to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.” (Office Action, 03/20/07, p. 7.) The Office Action further states “[t]his is essential because applicant did not describe how in a displayed user interface environment to simultaneously control two parameters controlled by the user interface without remapping the mouse from cursor control to parameter control.”

MPEP §2172.01 requires that the omitted matter be *disclosed as essential* by *Applicant*, either in the specification or other statements of record. The Office Action states “...Applicants specification describes a displayed graphical user interface where mouse X and Y movements controls cursor X and Y location...” and “[a]ccording to the specification at page 4 lines 2-9, page 5 lines 3-13, page 11 lines 6-23, page 12 lines 6-23, page 13 lines 1-11, page 14 line 16 and 26-31, page 17 lines 14-25, and page 19 lines 1-8 and 20-26 this can *only* be performed after the mouse movement is remapped from cursor control to controlling the claimed parameters.” *[emphasis added]* (Office Action, 03/20/07, p. 8.). Applicant asserts that NONE of the cited portions of Applicant’s specification disclose that control of the resolution and position of the range can ONLY be performed after the mouse movement is remapped to parameter control. *However, in the interest of expediting a timely notice of allowance, Applicant has amended claims 26, 31 and 36 to recite “...wherein adjusting the first parameter comprises remapping the first component of the input to a change in the scale of data...”* Applicant has also amended independent claims 41, 52, 56, 60, 63, 70 and 76 to include similar elements as those added to claims 26, 31 and 36.

Accordingly, Applicant respectfully requests that the §112 first paragraph rejections of independent claims 26, 31, 36, 41, 52, 56, 60, 63, 64, 70 and 76 be withdrawn. The remaining dependent claims depend either directly or indirectly from one of the foregoing independent claims. Therefore, Applicant respectfully submits that the dependent claims are also sufficiently supported by the specification as filed. Accordingly, Applicant also respectfully requests withdrawal of all 35 U.S.C. §112, first paragraph rejections of the dependent claims.

*Claim Rejections – 35 U.S.C. § 112, 2nd paragraph*

**Claim 50**

The Office Action rejected claim 50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states, “It is not clear in the claim the effect the icon of claim 50 has on the first interface element or the second interface element of claim 41. According to the specification when the cursor is positioned over one of the arrow icons 32 or 33...and when the button is depressed and continued to be depressed along with horizontal movement of the mouse the indicator 13...remains stationary. **When this happens the first or second interface elements would not display the scale or range.**” (Office Action, 03/20/07, p. 9.).

Applicant respectfully disagrees. Attention is kindly directed to Applicant’s specification at page 20, lines 4-9. Here, Applicant does disclose one embodiment, where indicator 13 remains stationary. However, Applicant expressly recites that while indicator 13 remains stationary, **timeline 14 scrolls to the right or left**, depending on the direction of mouse movement. For example, if the mouse is moved to the right, then timeline 14 scrolls to the left and vice versa. Therefore, by scrolling timeline 14 and keeping indicator 13 stationary, the current range will be displayed by indicator 13.

The Office Action further states “it is not clear from the claim if continued depressing of the button is required...” (Office Action, 03/20/07, pp 9-10). Accordingly, Applicants have amended claim 50 to recite that the scale and range are simultaneously changed when the cursor is positioned over the icon and the cursor positioning device moved while the button is depressed.

Therefore, when analyzed in light of the disclosure, the teachings of the prior art, and the interpretation that would be given by one possessing ordinary skill in the pertinent art, Applicant respectfully submits that claim 50 is definite and respectfully request withdrawal of the §112 rejection.

**Claim 57**

The Office Action rejected claim 57 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 57 has been canceled. Thus, the rejection with regards to this claim is moot.

#### **Claim 62**

The Office Action rejected claim 62 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 62 has been canceled. Thus, the rejection with regards to this claim is moot.

#### **Claim 63**

The Office Action rejected claim 63 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states, “it is not clear what part of the graphical user interface is the ‘control element’”. (Office Action, 03/20/07, p.10.). Accordingly, Applicant has amended claim 63 to recite, in part, “a second interface element,” as suggested by the Examiner. Thus, Applicant respectfully requests withdrawal of the §112 rejection of claim 63.

#### **Claims 65-67, 71-73 and 77-79**

The Office Action rejected claims 65-67, 71-73, and 77-79 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states, “...it is not clear how the first and second parameters are adjusted simultaneously when the cursor **can only control one** of the first and second parameters.” (Office Action, 03/20/07, p.11.). Applicant respectfully disagrees.

First, none of the above-cited claims recite that the cursor can only control **one** of the first and second parameters. Thus, the stated basis for the rejection is improper. Instead, claim 65 simply states that the first user interface element is controllable by the input device when the cursor is in the first region and the second user interface element

is controllable when the cursor is in the second region. Claim 65 does NOT recite that the first user interface element is *only* controllable when the cursor is in the first region, nor does it recite that the second user interface element is *only* controllable when the cursor is in the second region.

The Examiner is kindly reminded that definiteness of claim language cannot be analyzed in a vacuum, but must instead be analyzed in light of the disclosure, the teachings of the prior art, and the interpretation that would be given by one possessing ordinary skill in the pertinent art. MPEP § 2173.02. Applicant respectfully directs the Examiner's attention to the specification beginning at page 18, line 21. Here, Applicant discloses that a user may position the cursor over one of arrow icons 32 or 33. Applicant discloses that the user may then depress the mouse button and keep it depressed. When this occurs, Applicant discloses that several events happen simultaneously, one of which is the scrolling of timeline 14. As timeline 14 scrolls, indicator 13 may remain stationary thereby indicating a changed position in the range. Applicant further discloses while the mouse button is depressed over the selected arrow icon, that vertical movement of the mouse controls the scale, while horizontal movement of the mouse controls the direction and speed of timeline 14. (Specification, page 19, lines 1-5.). Thus, Applicants disclose, at least in this embodiment, that a user interface element is controllable by the input device when the cursor is in a region of the GUI (i.e., the region where arrow icons 32 and 33 are located) and that the range and scale can be adjusted simultaneously while the cursor is in this region. When analyzed in light of the disclosure, the teachings of the prior art, and the interpretation that would be given by one possessing ordinary skill in the pertinent art, Applicants respectfully submit that claims 65-67, 71-73, and 77-79 are definite and respectfully request withdrawal of the rejection.

### **Claims 26-81**

The Office Action rejected claim 26-81 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits claims 26-41 and 44-81 are sufficiently definite as to overcome the §112, second paragraph rejections for,

at least, the same reasons as those provided, above, in response to the rejection of the same claims under §112, first paragraph. Accordingly, Applicant respectfully requests withdrawal of all 35 U.S.C. §112, second paragraph rejections of claims 26-41 and 44-81.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

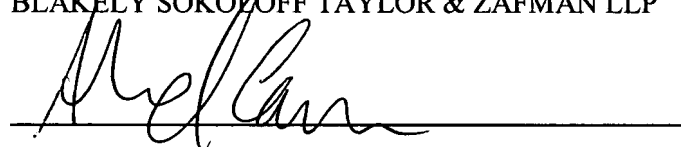
### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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